

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose SOBERANES-Gutierrez,

Defendant(s)

) Magistrate Case No. 08 JUL 17 AM 10:01

) 08 MJ 2188

) CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

) COMPLAINT FOR VIOLATION OF:

) Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)

) Transportation of Illegal

) Aliens

)

)

)


The undersigned complainant, being duly sworn, states:

On or about **July 15, 2008**, within the Southern District of California, defendant **Jose SOBERANES-Gutierrez** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Trancito De Jesus REINA-Rivera, Raul QUIROZ-Iniestra and Juan Carlos ZUNIGA-Zuniga** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT

 James Trombley
 Senior Patrol Agent

 SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 17th DAY OF JULY, 2008

 Cathy A. Bencivengo

UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Trancito De Jesus REINA-Rivera, Raul QUIROZ-Iniestra and Juan Carlos ZUNIGA-Zuniga**, are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On July 15, 2008, Senior Patrol Agent Canine Handler J. Davila and his K9 service dog were assigned traffic checkpoint duties at the SR 94 Border Patrol checkpoint. Agent Davila was in full Border Patrol rough duty uniform. At approximately 1:40 pm Agent Davila received a citizen's report of a green Intrepid that had loaded with suspected illegal entrants on Otay Lakes road about one and a half miles east of Wueste Rd. and was heading east toward SR 94. This area is located approximately six miles north of the United States/Mexico international border and three miles east of the Otay Mesa Port of Entry.

Agent Davila responded to the citizens call and traveled west on Otay Lakes Rd to find the reported vehicle. Approximately five minutes later, agent Davila saw the green Intrepid pass him and reported to Supervisory Agent B. Cash who was in a marked agency sedan, waiting at the intersection of SR 94 and Otay Lakes, that the vehicle was heading east on Otay Lakes Road toward his location. Supervisor Cash observed the vehicle and started to follow it and attempted to initiate a vehicle stop. Supervisor Cash then activated his emergency lights and siren. The driver of the Dodge Intrepid, later identified as the defendant **Jose SOBERANES-Gutierrez**, failed to yield and continued west on SR 94. Supervisor Cash then pursued the vehicle for approximately one mile and then terminated due traffic congestion and also the vehicle approaching a school zone.

Agent Davila who was driving an unmarked agency K9 vehicle continued to follow the Dodge Intrepid west on SR 94 from a safe distance at speeds of 50 miles per hour. Also, Senior Patrol Agent E. Blas from the San Diego Sector Interdiction Group informed Agent Davila that he was ahead of his location and that he would be waiting with stop sticks. Upon approaching a stop light near the Rancho San Diego town center mall, the driver of the Intrepid stopped and Agent Blas was waiting with stop sticks in hand. At this time, Agents Blas and Davila approached the vehicle, identified themselves as Border Patrol Agents and ordered the driver to shut the vehicle off and step out. Agent Blas placed the driver **SOBERANES** under arrest for suspicion of alien smuggling. Agent Davila then found four individuals in the vehicle three in the back seat and one in the front passenger seat. Agent Davila questioned all four individuals about their citizenship, all four individuals admitted to being citizens and nationals of Mexico illegally present in the United States. Agent Davila then questioned the driver of the vehicle, **SOBERANES**, as to his citizenship and he admitted to being a citizen and national of Mexico illegally present in the United States. All five individuals were then transported to the Brown Field Station for further processing.

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DEFENDANT STATEMENT: Jose SOBERANES-Gutierrez

Defendant **SOBERANES**, was advised of his Miranda rights and he stated he understood his rights and was willing to answer questions without a lawyer present.

The defendant stated that he was part of a group of five and had made arrangements with the smuggler in Tijuana, Mexico to drive in lieu of payment. The defendant stated that he and four others had crossed the international border illegally near Tijuana, Mexico by walking over the mountains. The defendant stated that he arrived to an area near a paved road and was told by the guide to lie down and hide. The defendant stated that he waited for about five minutes near the road, when he then was told to go toward a vehicle that fit the description given to him by the smuggler in Tijuana, Mexico. He also stated that while he was driving for about five minutes a phone that was in the vehicle rang. He answered and the unknown caller gave him directions to a plaza. The defendant stated that he did not know exactly where he was going and that he did not get any other phone calls with further directions. The defendant stated that he was going to Los Angeles to work and live with family members.

MATERIAL WITNESSES STATEMENTS:

Material Witnesses **Trancito De Jesus REINA-Rivera, Raul QUIROZ-Iniestra, and Juan Carlos ZUNIGA-Zuniga**, stated that they are citizens and nationals of Mexico illegally present in the United States without any immigration documents allowing them to be in the United States legally. The material witnesses stated that they were to pay \$250.00 U.S. dollars to be smuggled into the United States. The three material witnesses were shown a photo line-up and identified **Jose SOBERANES-Gutierrez**, as the driver of the vehicle.